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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,820	05/09/2006	Yoshinori Ootsuma	OHNO-40226	5156
53054 7590 04/28/2010 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER HENN, TIMOTHY J				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 04/28/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/578,820

Applicant(s)

OOTSUNA ET AL.

Examiner

Timothy J. Henn

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 January 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doron (US 6,559,888) in view of Nishimoto (JP 2001-051183 A) in view of Ohara (JP 61-045684).

[claim 1]

Regarding claim 1, Doron discloses an image pickup device comprising an image pickup element (Figure 1, Item 15); a variable power lens arranged on the same optical axis as said image pickup element and changing image pickup magnification (Figure 1, Item 13; c. 5, ll. 7-44); a signal processing circuit for outputting a signal from said image pickup element as a picture image signal (c. 5, ll. 35-44); an image recording section (Figure 1, Item 84). However, Doron does not disclose a magnification converting lens arranged so as to be inserted and detached on said optical axis and converting the image pickup magnification into a predetermined multiple or a control section for

performing control for inserting and detaching said magnification converting lens on said optical axis.

Nishimoto discloses a lens device for a camera including a magnification converting lens and control section as claimed which allows for the magnification of the optical lens system to be increased (Figure 1; Abstract). Therefore, it would be obvious to include such a lens and control section as claimed so that the magnification range of the camera of Doron could be increased. It is further noted that both Doron and Nishimoto disclose a smooth zooming process (e.g. Doron, Figure 8; Nishimoto, Figure 3). Doron further discloses that the zoom can include a digital zoom (e.g. processing a captured image to increase the effective zoom amount; Figure 8). However, Doron in view of Nishimoto do not explicitly disclose outputting a recorded image during a transition time when the magnification lens is being inserted into an optical axis.

Ohara discloses an image pickup device including a magnification converting lens (Figure 1, 3 and 3'). Ohara further discloses outputting a stored image during a transition period when the magnification converting lens is being inserted into the optical axis (Abstract; Figure 2) so as to produce a continuous picture. Therefore, it would be obvious to output a stored image as taught by Ohara so that a continuous picture may be output even during a transition time.

[claim 2]

Regarding claim 2, Doron discloses a device wherein said image recording section records the picture image signal from said signal processing circuit as an image

(see claim 1 above, working memory).

[claim 3]

Regarding claim 3, Doron discloses a device wherein said signal processing circuit electronically enlarges and outputs the image recorded to said image recording section (c. 6, ll. 33-49).

[claim 4]

Regarding claim 4, Doron discloses a device wherein said signal processing circuit stepwise enlarges and outputs the image recorded to said image recording section (c. 6, ll. 33-49).

[claim 5]

Regarding claim 5, Doron further discloses a device comprising a variable power lens magnification sensor for detecting the image pickup magnification of said variable power lens (e.g. Figure 3, DETERMINE CURRENT ZOOM SETTINGS), and wherein said signal processing circuit stepwise enlarges and outputs the image recorded to said image recording section according to the ratio of a change of the image pickup magnification of said variable power lens detected by said variable power lens magnification sensor (Figure, note that the digital zoom is changed in accordance with the change in the optical zoom such that the resulting zoom is equal, resulting in a smooth change in zoom).

[claim 6]

Regarding claim 6, Doron discloses a device wherein said signal processing circuit stepwise enlarges the image recorded to said image recording section according

to a zoom operation (c. 6, ll. 33-49).

[claim 7]

Regarding claim 7, Doron discloses a device wherein said control section changes the image pickup magnification of said variable power lens when said signal processing circuit stepwise enlarges and outputs said image (Figure 8; c. 9, l. 57 – c. 10, l. 33).

[claim 8]

Regarding claim 8, Doron discloses a device wherein said control section changes the image pickup magnification of said variable power lens when said signal processing circuit stepwise enlarges and outputs said image (Figure 8; c. 9, l. 57 – c. 10, l. 33).

[claim 9]

Regarding claim 9, Doron discloses displaying images, but does not disclose synthesizing images as claimed. Official Notice is taken that it is well known in the art to synthesize captured and stored images so that multiple images may be viewed simultaneously. Therefore, it would be obvious to synthesize captured and stored images as claimed in order to display multiple images on the display. It is noted that claim 9 as written does not define how the images must be synthesized or processed.

[claim 10]

Claim 10 is a method claim corresponding to apparatus claim 1 above. Therefore, claim 10 is analyzed and rejected as previously discussed with respect to claim 1.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Primary Examiner, Art Unit 2622